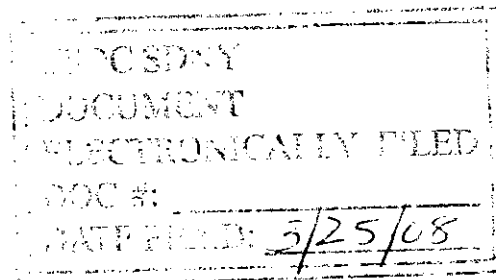


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
FAITH HABACHI and GEORGE HABACHI, :

Plaintiffs, :

v. :

UNITED STATES OF AMERICA, :

Defendant. :

ECF Case

No. 07 Civ. 11053 (LLS)

**STIPULATION & ORDER
OF PARTIAL DISMISSAL**

-----X
WHEREAS, on December 6, 2007, plaintiffs Faith Habachi and George Habachi
commenced this action by filing a complaint;

WHEREAS, on February 13, 2007, defendant United States of America filed its Motion
to Dismiss George Habachi's Claim, to Limit Faith Habachi's Claim, and to Strike Plaintiffs'
Jury Demand (the "Motion");

WHEREAS, the Motion seeks an order dismissing for lack of jurisdiction the complaint's
Second Cause of Action, which seeks relief on behalf of plaintiff George Habachi, because Mr.
Habachi did not exhaust administrative remedies as to his claim as required by 28 U.S.C.
§ 2675(a);

WHEREAS, the Motion seeks an order limiting the complaint's demand for damages on the First Cause of Action, which seeks relief on behalf of plaintiff Faith Habachi, to \$1,000,000, the amount demanded in Ms. Habachi's administrative claim, as required by 28 U.S.C.

§ 2675(b);

WHEREAS, the Motion seeks an order striking plaintiffs' jury demand as barred by 28 U.S.C. § 2402;

WHEREAS, plaintiffs do not oppose the relief sought by the Motion;

NOW, IT IS HEREBY STIPULATED AND AGREED by and between the parties, through their respective counsel, that:

1. The complaint's Second Cause of Action is dismissed, without costs or attorney's fees to any party, and plaintiff George Habachi is dismissed from the case.

2. The caption in this matter is amended to the following: "FAITH HABACHI, Plaintiff, v. UNITED STATES OF AMERICA, Defendant."

3. The complaint's demand for damages on the First Cause of Action is limited to \$1,000,000. Nothing in this stipulation shall be construed as a representation by any party as to the merits of the First Cause of Action as so limited.

4. The complaint's jury demand is stricken.

5. In light of the foregoing, the Motion is terminated, and defendant shall have 30 days from the entry of this Order to serve an answer to the complaint


6. This stipulation contains the entire agreement between the parties, and no statements, representations, promises, agreements, or negotiations, oral or otherwise, between the

parties or their counsel concerning the subject matter of this stipulation that are not included herein shall be of any force or effect.

Dated: Great Neck, New York
March 19, 2008

PARKER & WAICHMAN, I.L.P.
Attorneys for Plaintiffs

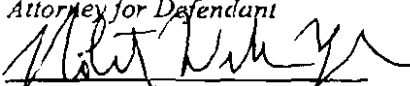
By:


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Dated: New York, New York
March 20, 2008

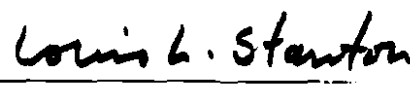
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SO ORDERED.

Dated: New York, New York
March 21, 2008



HON. LOUIS L. STANTON
United States District Judge